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Applicant: Yamamoto et al.
Appl. No.: 10/530,473
International Filing Date: October 29, 2003
Title: CHEMOTHERAPEUTIC AGENT-INCORPORATED PHARMACEUTICAL
PREPARATION
Attorney Docket: 423-70
Pub. No.: US 2006/0165656 A1
Pub. Date: July 27, 2006
U.S. Patent Number: 7,427,395

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on February 13, 2008, for the above-identified application.

The request is DISMISSED.

37 CFR 1.221 (b) is applicable "only when the Office makes a material mistake which is apparent from Office records.... Any request for a corrected publication or revised patent application publication other than provided as provided in paragraph (a) of this section must be filed **within two months** from the date of the patent application publication. **This period is not extendable.**" A material mistake must affect the public's ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication, or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent.¹

The request for corrected publication, received on February 13, 2008, was not timely filed under 37 CFR 1.221(b), since the request was filed later than 2 months from the December 6, 2007 publication date.

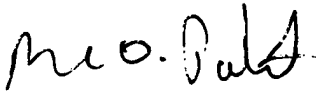
However, the petition is moot, since U.S. Patent Number 7,427,395 issued from the application on September 23, 2008.

It would greatly benefit the Office if **applicant did not provide copies of papers**, which were previously submitted and/or **a complete copy of the pre-grant publication**, as it unnecessarily

¹Changes to Implement Eighteen-Month Publication of Patent Applications, 65 FR 57023, 57038 (Sept. 20, 2000), 1239, Off. Gaz. Pat. Office Notices 63, 75 (Oct. 10, 2000) (final rule).

increases the cost to the Office. See 37 CFR 1.4(b). A request for corrected publication need only point out what was printed incorrectly in the application, where the error occurs in the publication and where the correct text or drawing is found in the application papers. Marked up relevant copies of the applications papers and the pre-grant publication may facilitate processing of the request, where it is not readily apparent where the error occurs. If it is not clear why the error is a material error, further explanation may be warranted.

Inquiries relating to this matter may be directed to Michael Cygan at (571) 272-7700, or to the undersigned at (571) 272-7709.

A handwritten signature in black ink, appearing to read "m.e. Polutta".

Mark Polutta
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